

EXHIBIT 146 TO DECLARATION OF VALERIE SCHUSTER

FILED UNDER SEAL

Palestinians Relief & Development Fund - Interpal
NatWest Business Bank Accounts - All Currencies
Identified Withdrawal Transactions for the Benefit of Selected Organizations

Notes

[A]

Source of the exchange rate is: www.oanda.com

[B]

The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and/or funds deposited into matching bank account number.

[C]

If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

Sorted by Organization Name and Current Account Statement Date

Information from Account Statements							Information from Transfer Forms						Transaction Detail from Current Account Statement (C)	
Ref #	Bates Number	Date	Year	Account Number	Currency	Withdrawal Amount	British Sterling to US Dollar Exchange Rate (A)	Converted US Dollar Amount	Bates Number	Date	Transfer Number	Beneficiary's Account Number or IBAN		Beneficiary's Name (Category (B)

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**Palestinians Relief & Development Fund - Interpal
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[A]

Source of the exchange rate is www.oanda.com

[13]

The beneficiary names may have variations due to translating Arabic names into English, typographical errors, branch office of main organization and / or funds deposited into matching bank account number.

[୧]

If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

[illegible]

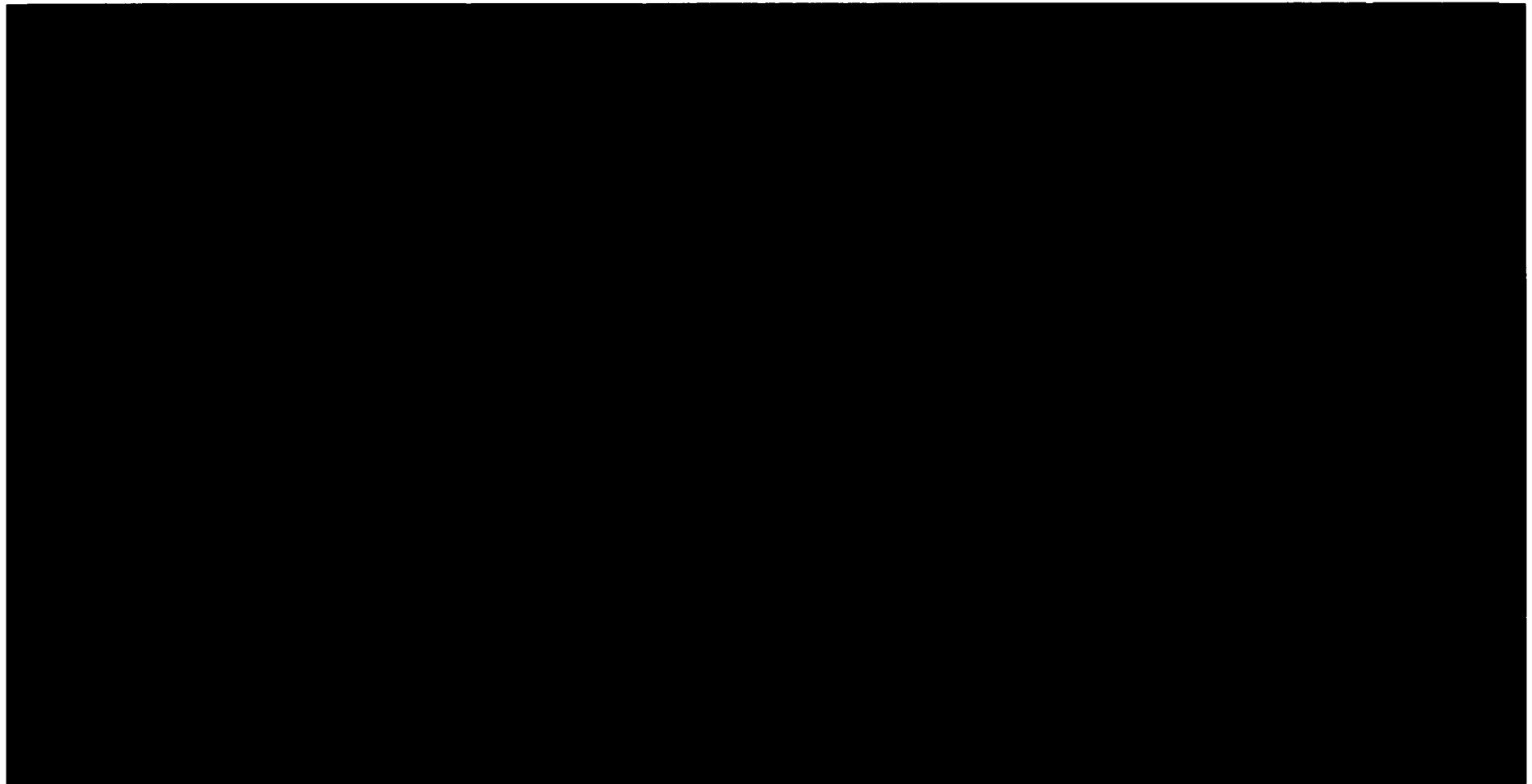
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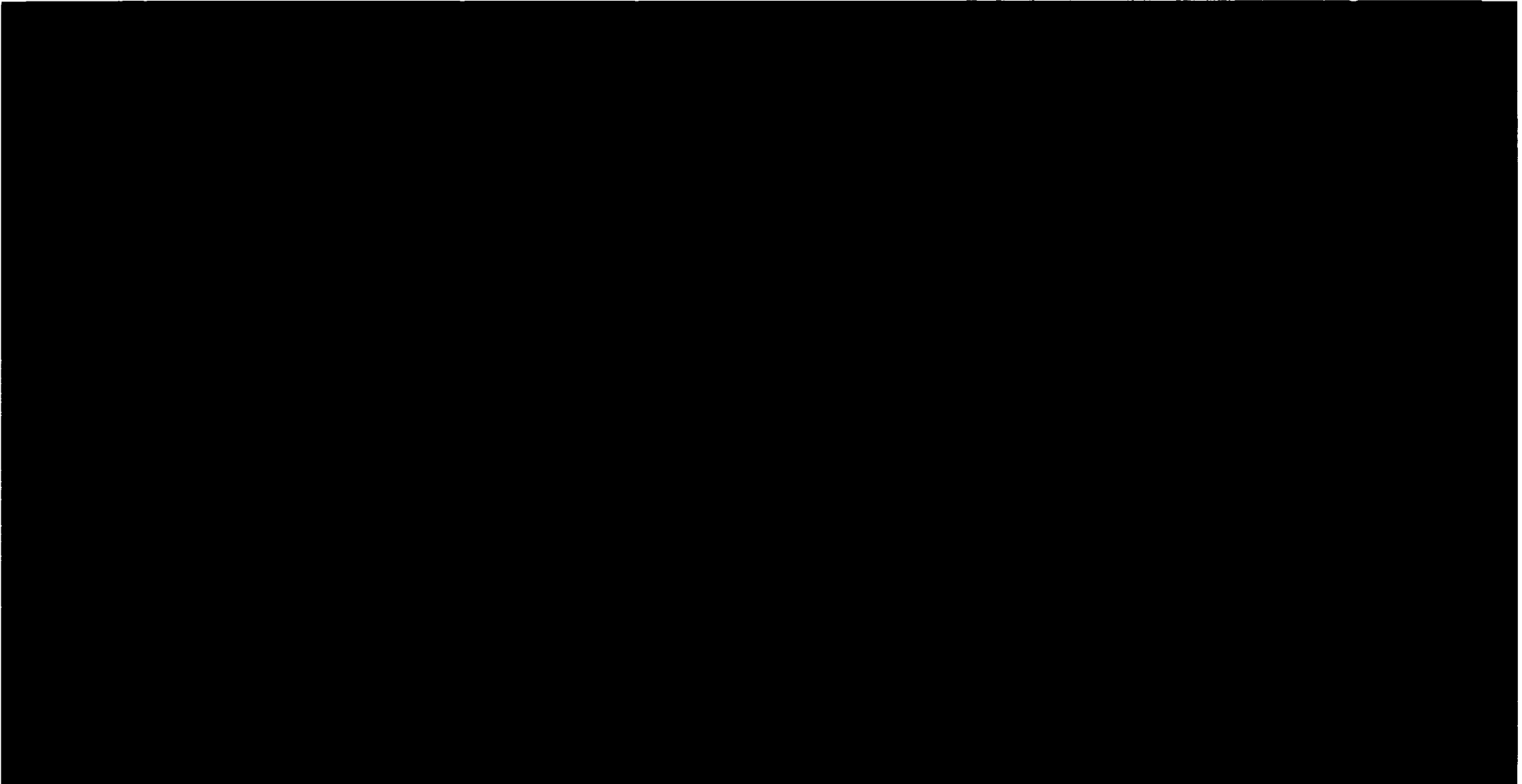
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[illegible]

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10

If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

Sorted by Organization Name and Current Account Statement Date

[illegible]

**Palestinians Relief & Development Fund - Interpal
NatWest Business Bank Accounts - All Currencies
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16

If no withdrawal supporting documentation was provided, the beneficiary was identified from information presented on the current account statement.

[illegible]

**Palestinians Relief & Development Fund - Interpal
NatWest Business Bank Accounts - All Currencies
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 $[A]$

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[illegible]

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[REDACTED]															
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[illegible]

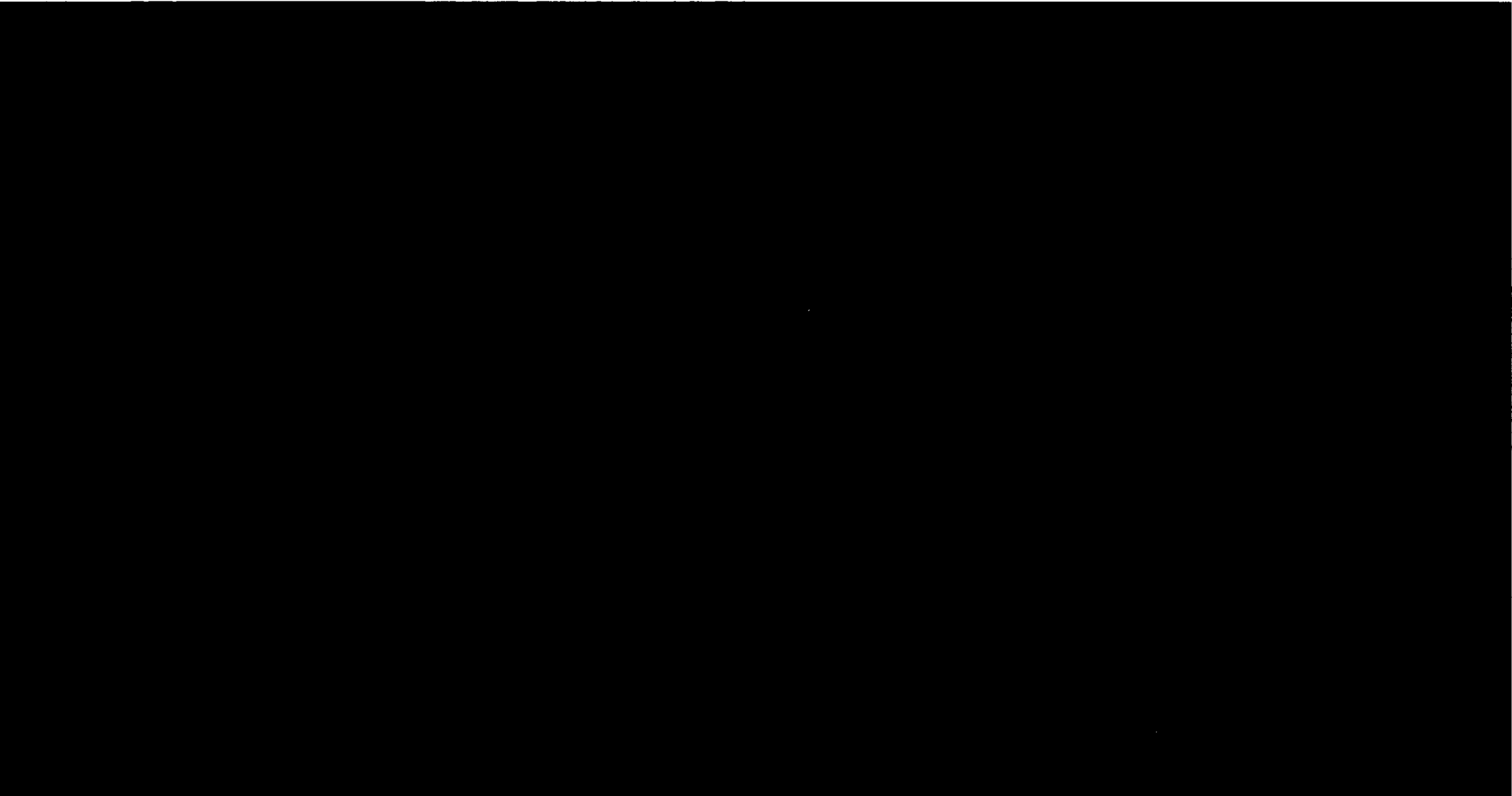
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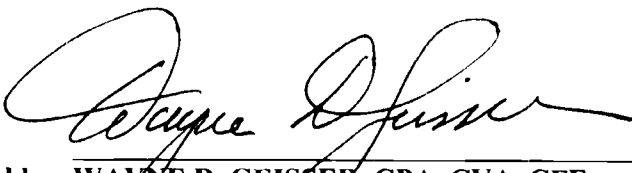
EXHIBIT 147 TO DECLARATION OF VALERIE SCHUSTER

FILED UNDER SEAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

MOSES STRAUSS et al.,	:	
Plaintiffs,	:	
v.	:	DOCKET NO. 06-cv-702
CRÉDIT LYONNAIS, S.A.	:	(CPS) (MDG)
Defendant.	:	
BERNICE WOLF et al.,	:	
Plaintiffs,	:	DOCKET NO. 07-cv-914
v.	:	(CPS) (MDG)
CRÉDIT LYONNAIS, S.A.	:	
Defendant.	:	
TZVI WEISS et al.,	:	
Plaintiffs,	:	DOCKET NO. 05-cv-4622
v.	:	(CPS) (MDG)
NATIONAL WESTMINSTER BANK, PLC	:	
Defendant.	:	
NATAN APPLEBAUM et al.,	:	
Plaintiffs,	:	DOCKET NO. 07-cv-916
v.	:	(CPS) (MDG)
NATIONAL WESTMINSTER BANK, PLC	:	
Defendant.	:	

EXPERT REPORT OF WAYNE D. GEISSER, CPA, CVA, CFE, CFF


Prepared by: WAYNE D. GEISSER, CPA, CVA, CFE
Nihill & Riedley, PC
The Public Ledger Building, Suite 800
150 So. Independence Mall West
Philadelphia, PA 19106
December 28, 2010


nihill & riedley
A Professional Corporation

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EXHIBITS

I. BACKGROUND

This Report is being submitted in connection with the cases captioned:

Weiss et al. v. National Westminster Bank, PLC, 05-cv-4622 (CPS)(MDG)

Applebaum, et al. v. National Westminster Bank, PLC, 07-cv-916 (CPS)(MDG)

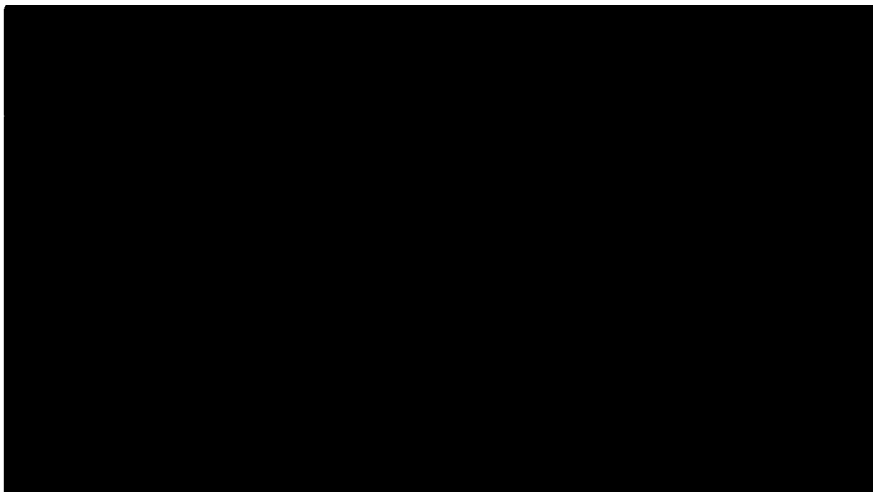
Strauss, et al v Crédit Lyonnais, S.A., 06-cv-702 (CPS)(MDG)

Wolf, et al. v. Crédit Lyonnais, S.A., 07-cv-914 (CPS)(MDG).

Nihill & Riedley ("N&R"), has been retained by the Plaintiffs' counsel to review and analyze certain banking records, produced in discovery, reflecting transactions facilitated by National Westminster Bank, PLC ("NatWest"), hereafter, the "Defendant" and provide a report summarizing particular deposit and withdrawal transactions reflected in the account records. This Report supplements our prior reports of November 19, 2009 and August 19, 2010.¹ The information contained in this Report is based upon documents produced in discovery that were either not available, or produced recently at the time the prior reports were prepared.

II. STATEMENT OF ASSIGNMENT

We have been requested by Plaintiffs' counsel to review and analyze records produced in discovery by NatWest, for its customer, Interpal and summarize all deposits and withdrawals that pertain to the following organizations/individuals:



The transactions that we have identified and summarized are included in among [REDACTED] accounts maintained by Interpal at NatWest.² Our summaries of the transactions that we have identified are included at **Exhibits A through E**.

¹ Our Report of August 19, 2010 pertains exclusively to transactions involving Crédit Lyonnais.

² See column "Account Number" appearing in **Exhibits D and E**.

N&R is being compensated at its standard hourly rates for the time spent working on this matter, which vary depending on the staff assigned. N&R is being compensated for my (Wayne D. Geisser) work on this matter at the rate of \$325 per hour.

N&R confirms that it has no previous professional or personal connection or relationship with any of the parties or witnesses in this case that would preclude N&R from providing its analyses in a fair, accurate, and impartial manner. N&R reserves the right to supplement this Report and any Exhibits thereto should additional information come to our attention.

III. DOCUMENTS CONSIDERED

In connection with our engagement, we have been provided with a substantial volume of records, produced principally in an electronic format. The records that we have utilized in our analysis consist of various types of banking-related records including: account statements; deposit and disbursement records; wire transfer instructions; wire transfer confirmations and electronic payment messaging instructions. These records appear to have been generated in the ordinary course of the business. The records produced reflect Bates Stamp identification references that have been assigned by the parties and our analysis make references to these documents accordingly. Our List of Documents Considered is attached as **Exhibit F**.

IV. QUALIFICATIONS – WAYNE D. GEISSER CPA, CVA, CFE, CFF

I am a Certified Public Accountant, Certified Valuation Analyst, Certified Fraud Examiner and am Certified in Financial Forensics by the AICPA. In my 25-year tenure with N&R and in my prior experience as a Branch Chief in the SEC Division of Enforcement, I have conducted and/or supervised hundreds of financial investigations that have involved the analysis of banking/financial transactions. I have also been qualified as an expert witness in numerous federal and state courts. My *curriculum vitae* is attached as **Exhibit G**.

V. OPINION

Within the scope of our engagement, it is my opinion that the information provided in this Report including the various schedules appended as Exhibits A through E, constitutes an accurate summary of the transactions that we have been asked to identify, analyze and summarize.

VI. ANALYSIS

Background

Our Reports, dated November 19, 2009 and August 19, 2010, identified disbursements from [REDACTED] Interpal accounts at Nat West made to fourteen (14) organizations/individuals. The names of the fourteen (14) organizations/individuals were supplied by counsel. Subsequent to the issuance of these Reports, counsel provided additional documents (in electronic format), identified as volumes 46 and 58.³ We reviewed the document production and updated our

³ See Listing of Documents Considered for Bates Stamp numbers.

transactional database. Currently, the Nat West transaction database includes over 5,000 separate receipt/payment transactions.⁴

Account Statement Data and Transactional Records

The initial transactional information was obtained from bank Account Statements. Information extracted from the Account Statements included: Nat West Interpal bank account numbers; transaction currency; transaction date; transaction amount; and if available the transfer number and organization/individual name associated with the transfer.

Additional information was obtained from the individual deposit and disbursement records, including wire transfer forms, hereafter collectively referred to as the "Transactional Records." The Transactional Records were matched to Account Statements using the date, amount, organization/individual name and the transfer number. Information found in the Transactional Records may have included, but not be limited to: Interpal bank account number; transaction date; transaction amount; IBAN (International Bank Account Number); transfer number; organization/individual name associated with the transfer; and any instructions regarding the transfer.

Identified Depositors and Payees

As noted above, we have been asked to identify and summarize certain transactions reflected in Nat West records; specifically those receipts and disbursements made to/from one of 18 accounts maintained at Nat West for Interpal for the specific depositors/payees that have been identified to us. The specific accounts that the deposits and withdrawals that we have identified in our review are detailed in our analyses.⁵ The deposits and withdrawals that we were asked to analyze pertain to the following seven (7) organizations/individuals:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

- 7.

⁴ With the inclusion of documents produced in volumes 46 and 58.

⁵ See column "Account Number" in the attached analyses (Exhibits D and E).

Identification, Matching and Grouping of Transactions

The transactions listed on the exhibited detailed schedules were identified by using the descriptions that appear on the Account Statements and Transactional Records. The transactions were combined through a sorting process that utilized information appearing on available documents. For example, identical bank account numbers and the transactional amounts (i.e. same amount of dollars or Euros) provided us with a primary indication that the organization/individual was the same and as a result, the transactions were appropriately grouped together in the sorting process.

Due to the large volume and range of documents produced, names of the organizations/individuals may have reflected variance in titling; spellings; or Arabic to English translations on the various documents (i.e. Account Statement and Transactional Records). We grouped transactions with such variations by cross-referencing available information including:

- Account names;
- Account numbers;
- Supporting deposit / disbursement records; and
- Source / destination bank / IBAN number.

We understand that the evidentiary basis for the grouping of the data has been developed through the discovery process and / or the use of other experts and will be presented at trial. For purposes of this Report, counsel provided direction in the titling / grouping of transactions presented in the exhibited schedules. The information supplied by counsel as to titling / grouping does not affect the recording and summarizing of the underlying transactions in the database or attached Exhibits.

Analyses Presented

- **Exhibit A** - “Summary of Identified Receipt/Credit and Payment/Debit Transactions from/to Selected Organizations/Individuals” – Presents analysis that combines both “receipt/credit” (deposit-funds in) and “payment/debit” (withdrawals-funds out) for each identified organization/individual.
- **Exhibit B** – “Summary of Identified Receipt/Credit Transactions from Selected Organizations/Individuals” - Presents analysis that summarizes by annual period funds deposited to the Interpal accounts by each identified organization/individual. The analysis accounts for 196 transactions totaling [REDACTED]
- **Exhibit C** – “Summary of Identified Payment/Debit Transactions from Selected Organizations/Individuals” - Presents analysis that summarizes by annual period funds paid to each identified organization/individual. The analysis accounts for 41 transactions totaling [REDACTED]
- **Exhibit D** – “Detail of Identified Receipt/Credit Transactions from Selected Organizations / Individual” – Presents information for the individual transactions for each of the identified organization. The information is derived from the Account Statements and Transaction Records. The analysis accounts for deposits totaling [REDACTED]
- **Exhibit E** – Detail of “Identified Payment/Debit Transactions from Selected Organizations/Individuals” - Presents information for the individual transactions for each identified organization. The information is derived from the Account Statements and Transactional Records. The analysis accounts for withdrawals totaling [REDACTED]

⁶ All foreign currencies have been converted to U.S. Dollars.

EXHIBIT 148 TO DECLARATION OF VALERIE SCHUSTER

FILED UNDER SEAL

*TZVI WEISS, et al. VS.
NATIONAL WESTMINSTER BANK, PLC*

*MATTHEW LEVITT
June 2, 2011*



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NATIONAL WESTMINSTER BANK, PLC

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June 2, 2011

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1 LEVITT
2 Q. Dr. Levitt, the other thing I
3 wanted to remind you of is if there is any
4 question that I ask that's not clear to you
5 please let me know, otherwise I'll assume
6 that you understand it, okay?
7 A. Great.
8 Q. Is there anything about your
9 physical, mental or emotional condition that
10 won't allow you to answer my questions fully
11 and accurately today?
12 A. No.
13 Q. Did you prepare for your
14 deposition today?
15 A. Yes.
16 Q. How so?
17 A. I reviewed my report. I
18 reviewed the reports by Brian Jenkins and by
19 one other individual whose name is escaping
20 me, a witness of yours and I held a telephone
21 conference with counsel.
22 Q. Counsel being Mr. Bonner?
23 A. Yes.
24 Q. Do you remember the subject
25 matter of the report of the expert you can't

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1 LEVITT
2 remember so maybe I can refresh your
3 recollection?
4 A. Charity commission British.
5 Q. Jonathan Birchfield?
6 A. Birchfield, right.
7 MR. LUFT: Dr. Levitt, I'll ask
8 the court reporter to mark as Exhibit
9 1 what I believe is a copy of your
10 expert report in this matter.
11 (Levitt Exhibit 1, Expert
12 Report, marked for Identification.)
13 Q. Do you recognize the document?
14 A. Yes.
15 Q. What is it?
16 A. This is a copy of my report.
17 Q. If we turn to the last page, is
18 that meant to be an electronic signature of
19 yours?
20 A. Yes.
21 Q. Did you believe Exhibit 1 to be
22 truthful and complete when you signed it?
23 A. Yes.
24 Q. Does Exhibit 1 contain all the
25 opinions you intend to express in this case?

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1 LEVITT
2 A. Yes.
3 Q. From time to time I may refer
4 to this case as the Nat West matter or my
5 client National Westminster Bank as Nat West.
6 You understand that's who I am referring to?
7 A. Yes.
8 Q. Sitting here today are there
9 any changes that you would like to make to
10 Exhibit 1?
11 A. The only one I know of off hand
12 is a typo on page 1 where at the end of
13 paragraph D as in David presumably because
14 this is nearly identical to my previous
15 report so I probably used that as the
16 template for this one, it says Hamas at the
17 time Credit Lyonnais transferred funds to
18 them so it should say Nat West. I believe
19 that's the only one.
20 Q. Just so we have clarity for the
21 record you said it was nearly identical to my
22 prior report, do you mean Exhibit 1 your Nat
23 West report is nearly identical to your prior
24 report in the Credit Lyonnais matter?
25 A. Yes, there are changes, but --

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1 LEVITT
2 Q. As you mentioned there are
3 changes, but the majority of the report is
4 the same as the Credit Lyonnais matter?
5 A. Correct. Actually I'm seeing
6 one other change on the same page which
7 probably it's a recent change so it's
8 probably accurate when I wrote this, but for
9 sake of today my billable rate is now 400,
10 not \$300 an hour.
11 Q. Congratulations.
12 A. Thank you.
13 Q. Is all the information you
14 relied upon in forming these opinions
15 identified in Exhibit 1?
16 A. To the best of my knowledge,
17 yes.
18 Q. It's expressed in the footnotes
19 and the body of the text, correct?
20 A. That's where it would be.
21 MR. LUFT: I'll ask the court
22 reporter to mark a document Bates
23 stamped Levitt 003167 as Levitt
24 Exhibit 2.
25 (Levitt Exhibit 2, Document,

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1 LEVITT
2 or what I believe you will tell me is
3 the supplemental expert report in the
4 Credit Lyonnais matter.
5 (Levitt Exhibit 3,
6 Supplemental Expert Report, marked for
7 Identification.)
8 Q. What is Exhibit 3?
9 A. This is my report in the Credit
10 Lyonnais matter.
11 Q. If you turn to page 1 of it and
12 the list of entities you were asked to
13 consider, do you see the difference appears
14 to be that in Nat West it says [REDACTED]
15 [REDACTED] whereas in the Credit
16 Lyonnais matter it says Orphan Care Society
17 Bethlehem?
18 A. Yes.
19 Q. Were you considering two
20 different entities in the two reports?
21 A. Yes.
22 Q. For the other 11 entities that
23 you considered, they are listed on page 1 of
24 Exhibit D of Exhibit 1 which is your Nat West
25 report, you reach the same conclusion with

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1 LEVITT
2 regard to them that being that they were
3 controlled by, affiliated with, fundraised
4 for, served as alter egos or departments of
5 or otherwise support Hamas that you reached
6 in the Credit Lyonnais matter, correct?
7 A. Can you just point to me where
8 you are reading from?
9 Q. I'm pointing to page 3 of your
10 Nat West report which I believe is the same
11 as the Credit Lyonnais report that states
12 that conclusion?
13 A. Yes.
14 Q. You also reach that conclusion
15 as to both [REDACTED] and the Orphan
16 Care Society, correct?
17 A. Yes.
18 Q. Mr. Levitt, I don't want to
19 spend time on your Credit Lyonnais report,
20 but if we can just look at it so we have
21 clarity. In looking through your report in
22 the Credit Lyonnais matter, I believe if we
23 turn to page 81 I think you will see in fact
24 your section is in fact on [REDACTED]
25 [REDACTED]

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1 LEVITT
2 A. That's right.
3 Q. I don't believe there's a
4 section on the Orphan Care Society?
5 A. Now that you mention it, I
6 think we covered that in the last deposition
7 too and so the typo is here on the first
8 page.
9 Q. Right, of the Credit Lyonnais
10 report?
11 A. Of the Credit Lyonnais report.
12 Q. In fact, you are opining on the
13 same 12 entities in both reports?
14 A. Yes.
15 Q. You reached the same
16 conclusions as to them in both reports?
17 A. Yes.
18 Q. Am I correct that just as in
19 the case of your Credit Lyonnais report you
20 were not relying upon any non public
21 information in forming your opinions for this
22 report?
23 A. Just like in that case nothing
24 non public as in anything classified, but I
25 did of course rely on my primary field

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1 LEVITT
2 research, my own interviews and those are not
3 public in the way that, you know, an article
4 or book is public, but they are not
5 classified or confidential or anything like
6 that.
7 Q. Everything -- as you told me
8 everything you relied upon is referenced in
9 your report?
10 A. Everything I relied upon for
11 the report and the conclusions in the report
12 are in the report and it's possible that we
13 will talk about things as we did last time
14 that will draw on my other research depending
15 on what you feel like asking me.
16 Q. For the purpose of the report
17 and the opinions you offer in the report
18 everything you rely upon is included?
19 A. Yes.
20 Q. You mention that your Credit
21 Lyonnais report served as a template for your
22 Nat West report, correct?
23 A. Yes.
24 Q. But you had an opportunity to
25 make any appropriate or any changes you

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<p style="text-align: right;">Page 21</p> <p>1 LEVITT</p> <p>2 thought appropriate to the Credit Lyonnais</p> <p>3 report for purposes of submitting your Nat</p> <p>4 West report, correct?</p> <p>5 A. Yes.</p> <p>6 Q. You did make changes to your</p> <p>7 Nat West report?</p> <p>8 A. Correct.</p> <p>9 Q. Did you correct all the items</p> <p>10 that you were aware of that you felt needed</p> <p>11 correction?</p> <p>12 A. To the best of my knowledge.</p> <p>13 Q. You prepared your Nat West</p> <p>14 report after your Credit Lyonnais deposition,</p> <p>15 correct?</p> <p>16 A. Yes.</p> <p>17 Q. In preparing your Nat West</p> <p>18 report did you refer back to your Credit</p> <p>19 Lyonnais deposition?</p> <p>20 A. In the report I don't think so.</p> <p>21 Q. As a reference just for</p> <p>22 drafting is my question?</p> <p>23 A. I don't think so. For a few</p> <p>24 specific things, you know, we had in that</p> <p>25 conversation identified several typos and we</p>	<p style="text-align: right;">Page 23</p> <p>1 LEVITT</p> <p>2 opinions should you wish to do so?</p> <p>3 A. I did.</p> <p>4 Q. You also had the opportunity to</p> <p>5 remove any statement and source in your</p> <p>6 Credit Lyonnais report that you no longer</p> <p>7 thought appropriate to include in your Nat</p> <p>8 West report, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Let's look at page 13 of</p> <p>11 Exhibit 1 which is your Nat West report. Do</p> <p>12 you see roughly the second full paragraph on</p> <p>13 page 13 it says Hamas deemed legitimate the</p> <p>14 mingling of these funds, do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. The reference to that is</p> <p>17 footnote 80, correct?</p> <p>18 A. Correct.</p> <p>19 Q. You had this statement in your</p> <p>20 Credit Lyonnais report as well, correct?</p> <p>21 A. I believe so.</p> <p>22 Q. But you cited to a different</p> <p>23 source in your Credit Lyonnais report,</p> <p>24 correct?</p> <p>25 A. I believe that's true. I think</p>
<p style="text-align: right;">Page 22</p> <p>1 LEVITT</p> <p>2 identified a couple of footnotes that needed</p> <p>3 to be updated so those things I had made</p> <p>4 notes of and those changes were the product</p> <p>5 of that deposition, but I don't think that I</p> <p>6 had the deposition on the desk and was going</p> <p>7 through it, but those typos that we found</p> <p>8 were addressed.</p> <p>9 Q. So the items that were</p> <p>10 identified in your Credit Lyonnais deposition</p> <p>11 that you thought needed to be changed for</p> <p>12 purposes of your Nat West deposition you made</p> <p>13 those changes?</p> <p>14 MR. BONNER: Nat West report.</p> <p>15 Q. Nat West report, thank you very</p> <p>16 much?</p> <p>17 A. Yes.</p> <p>18 Q. You also had the opportunity to</p> <p>19 add any additional points with regard to the</p> <p>20 Nat West that you thought relevant for your</p> <p>21 Nat West opinion into your Nat West report,</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. You had the opportunity to add</p> <p>25 any additional support for any of your</p>	<p style="text-align: right;">Page 24</p> <p>1 LEVITT</p> <p>2 this is one of the citations that came up in</p> <p>3 the last deposition and we needed to fix the</p> <p>4 footnote.</p> <p>5 Q. To do so you looked for a</p> <p>6 source that you thought more appropriately</p> <p>7 supported the statement, correct?</p> <p>8 A. I knew there was a source that</p> <p>9 supported the statement and clearly in the</p> <p>10 process of writing a 90 something page report</p> <p>11 some of the footnotes got messed up or</p> <p>12 something got deleted so I had to find the</p> <p>13 fix there.</p> <p>14 Q. This footnote 80 is now the</p> <p>15 source you're using?</p> <p>16 A. Apparently.</p> <p>17 MR. LUFT: Can you mark as</p> <p>18 Exhibit 4 a document that I believe</p> <p>19 corresponds to footnote 80 of Exhibit</p> <p>20 1 titled Hamas Related Associations</p> <p>21 Raising Funds Through Europe, the U.S.</p> <p>22 and the Arab World it says from an IDF</p> <p>23 spokesperson unit.</p> <p>24 (Levitt Exhibit 4, Document,</p> <p>25 marked for Identification.)</p>

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<p style="text-align: right;">Page 37</p> <p>1 LEVITT</p> <p>2 Q. If that's not what you meant</p> <p>3 with regard to Hamas deems legitimate the</p> <p>4 mingling of these funds, what did you mean</p> <p>5 when you wrote that in the paragraph?</p> <p>6 A. It's not just or solely that</p> <p>7 money could be raised by a charity where the</p> <p>8 pitch is give to educational needs and then</p> <p>9 the money actually is diverted to purchase</p> <p>10 bullets or what have you. That is possible</p> <p>11 though it's less common. What happens more</p> <p>12 often is that money is raised for a variety</p> <p>13 of different things and the money is</p> <p>14 commingled and some of the funds will go</p> <p>15 towards education, some of the funds will go</p> <p>16 towards military, explicitly military</p> <p>17 purchases, some of the money will go towards</p> <p>18 other things that provide and facilitate for</p> <p>19 such attacks such as paying the salaries of</p> <p>20 operatives, bribing officials, procuring</p> <p>21 materials that could be used for an attack</p> <p>22 whether it's actual weapons or otherwise so</p> <p>23 it need not be the case necessarily though it</p> <p>24 can be that monies are raised for reason A</p> <p>25 and then diverted for reason B, reason B</p>	<p style="text-align: right;">Page 39</p> <p>1 LEVITT</p> <p>2 A. More or less. I say more or</p> <p>3 less. Yes, that's what I said, but, for</p> <p>4 example, my correction to the way you state</p> <p>5 it is that it's not, for example, that monies</p> <p>6 will be raised let's say for the Harazi</p> <p>7 Hospital run by the Jenin Zakat Committee and</p> <p>8 the money will go straight to the Harazi</p> <p>9 Hospital. In that case it will be raised by</p> <p>10 an organization abroad often on behalf of the</p> <p>11 Jenin Zakat Committee which then runs or</p> <p>12 helps to run the Harazi Hospital so there are</p> <p>13 ample opportunities along the way for the</p> <p>14 foreign NGO that's raising the money in the</p> <p>15 first instance which then sends it to the</p> <p>16 local charity committee sometimes in the</p> <p>17 report I say Zakat Committee which is a</p> <p>18 charity committee like Jenin and that may</p> <p>19 then go to another sub element.</p> <p>20 Some of the committees</p> <p>21 discussed in my report serve as umbrellas for</p> <p>22 multiple charity committees and social</p> <p>23 service committees both and some of that</p> <p>24 money may ultimately go where it was</p> <p>25 originally intended for or at least where the</p>
<p style="text-align: right;">Page 38</p> <p>1 LEVITT</p> <p>2 being militant or violent activity.</p> <p>3 It could also just be as is the</p> <p>4 case with Hamas and other groups like it that</p> <p>5 the monies being fungible could be used in a</p> <p>6 variety of ways, A. B, more generally still</p> <p>7 money is fungible so if you raise \$10 for one</p> <p>8 of the programs that you run, you may very</p> <p>9 well free up ten or maybe eight or four or</p> <p>10 some monies for something else.</p> <p>11 That's the basis of the U.S.</p> <p>12 government's material support statute and</p> <p>13 that's why it's illegal to give to any part</p> <p>14 of Hamas because those monies are fungible</p> <p>15 and because there is commingling of funds.</p> <p>16 Q. If we can put to the side the</p> <p>17 concept of fungibility for the purpose of</p> <p>18 this question, you mention that it's less</p> <p>19 often the case although possible that money</p> <p>20 donated to a social service, a hospital, a</p> <p>21 school is then diverted, taken from that</p> <p>22 institution and given to a military activity,</p> <p>23 but you said more often the monies are just</p> <p>24 commingled together and then just used for a</p> <p>25 variety of activities, correct?</p>	<p style="text-align: right;">Page 40</p> <p>1 LEVITT</p> <p>2 pitch was made that it would go and some of</p> <p>3 it may go to other things.</p> <p>4 Q. Where is the commingling</p> <p>5 happening?</p> <p>6 A. Well, if only it were so simple</p> <p>7 that there was a Hamas incorporated account,</p> <p>8 right? The commingling happens at each of</p> <p>9 these stages. It happens at the stage of the</p> <p>10 people who are raising money, for example, at</p> <p>11 a specific fundraising event. It happens at</p> <p>12 each of the staging points. This is one of</p> <p>13 the things that Interpal has been charged</p> <p>14 with as serving as a commingler of funds</p> <p>15 raised by the Al Aqsa International</p> <p>16 Foundation offices elsewhere in Europe,</p> <p>17 sometimes funds that came from the Holy Land</p> <p>18 Foundation here in the United States and then</p> <p>19 funds would not always be sent from Al Aqsa</p> <p>20 in Europe or Holy Land Foundation in the</p> <p>21 United States directly to say the Jenin Zakat</p> <p>22 Committee. Sometimes it would. Sometimes</p> <p>23 they would go through Interpal so there are</p> <p>24 multiple points along the way where the</p> <p>25 mingling happens.</p>

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1 LEVITT
2 Q. The money comes from let's take
3 Holy Land Foundation, they send it to
4 Interpal and now when you talk about
5 commingling, are you saying that at that
6 point Interpal takes money that was donated
7 for charity and sends some off to do the
8 charity that -- it sends some monies off to
9 charities, correct, and you are saying some
10 of the money goes for other things?
11 A. I don't know if that's the
12 case, but what I do know is that what
13 Interpal has been accused of is commingling
14 funds from multiple donors which may have
15 been raising funds, you might have been
16 raising funds for education and you might
17 have been raising funds for social welfare
18 and you for a hospital and the money gets
19 brought into Interpal and then Interpal will
20 then send it on and then when it eventually
21 reaches the ground in the West Bank there are
22 multiple additional levels through which the
23 money is disbursed.
24 Ultimately some of the money
25 may go to education or social welfare. Some

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1 LEVITT
2 will go to this social welfare, some will go
3 to that social welfare and some may go
4 towards either directly or indirectly
5 supporting militant activity.
6 Without question the monies
7 across those things whether it's social
8 welfare or military or political which are
9 the three kind of mega baskets that you would
10 put Hamas activity into, the money that comes
11 in supports the organization's overall
12 ability to build grassroots support and pay
13 for people's salaries and create the kind of
14 society and culture and indebtedness and
15 belonging that makes Hamas so effective and
16 in fact so lethal in terms of its ability to
17 have longevity as an organization.
18 Q. So going back to my example the
19 money now comes into Interpal, comes from
20 let's say Holy Land and two other sources and
21 Interpal makes a transfer to a charity in the
22 West Bank. This is money that's given to the
23 charity. At the charity, that money -- so
24 now you have the charity. Does this get to
25 the point where I said when the money is at

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1 LEVITT
2 the charity you said it was less likely that
3 money that goes to a charity that's supposed
4 to be for charity and given to a charity is
5 taken away from the charity and used for
6 military activity?
7 A. It's less common because the
8 beauty of the system is the ability to hide
9 or mask the transfer of funds to from what
10 would be a legitimate purpose, helping people
11 to an illegitimate purpose. In that sense
12 it's a classic money laundering scheme.
13 There are instances where monies that were
14 raised for purportedly charitable purposes
15 are then used or law enforcement believes
16 they were used in a particular attack, but
17 those are more rare.
18 Q. Thanks. Let's go back to what
19 we were talking about, but I appreciate the
20 clarification. Going back to Human Appeal
21 International?
22 A. This was 55.
23 Q. This is page 55 of your report.
24 You wrote a 1996 CIA report identifies HAI
25 Human Appeal International as having to act

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1 LEVITT
2 as a fundraiser for Hamas, right?
3 A. Yes.
4 Q. We noted the support for that
5 is in footnote 31 which includes a
6 declassified CIA document and a U.S. News and
7 World Reports article?
8 MR. BONNER: 311, not 31.
9 MR. LUFT: Correct, thank you,
10 Jim.
11 A. Yes.
12 Q. We had Exhibit 5 is it which
13 you told me was the declassified CIA report
14 and we were looking at the third page of it
15 which confusingly has a page 4 at the top?
16 A. Correct. It appears it was
17 faxed at some point.
18 Q. We are all on the same page,
19 right, the third page of the document?
20 A. Starts a/k/a the charitable
21 establishment of the two holy mosques?
22 Q. Correct. Halfway down the
23 page it says Human Appeal International, HAI,
24 right?
25 A. Yes.

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1 LEVITT
2 Q. Have you ever spoken to Mr.
3 Giesser?
4 A. I have not.
5 Q. With regard to the transfers
6 Interpal made to the 12 entities at issue in
7 this litigation, does your information with
8 regard to those transfers come from Mr.
9 Giesser's report?
10 A. Yes.
11 Q. Other than Mr. Giesser's
12 report, did you have any independent
13 information on those transfers that you rely
14 upon?
15 A. On individual transfers, no.
16 On the larger theme of Interpal transferring
17 funds to these committees, yes.
18 Q. Mr. Levitt, Interpal is a
19 registered charity in England?
20 A. It is.
21 Q. It's a registered charity
22 today?
23 A. I believe so, yes.
24 Q. It has been throughout the time
25 in question that you write about in your

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1 LEVITT
2 report, correct?
3 A. Correct.
4 Q. As a registered charity in
5 England, the U.K. Charity Commission has
6 access to Interpal's books and records,
7 correct?
8 A. I don't know if it has access
9 to its records at any time on an on-going
10 basis. I don't think that's the case. It has
11 access to whatever records Interpal provides
12 which is significant because in my experience
13 the books that entities provide regulators
14 are not always the full and complete books
15 and so we've had many cases where, you know,
16 the best accounting firms come in and do an
17 accounting review of some entity and find
18 absolutely no wrongdoing whatsoever and then
19 governments come in and do a review of their
20 own without having asked kindly and waited
21 for whatever books the entity decided to
22 provide and found plenty of wrongdoing.
23 Q. The U.K. Charity Commission in
24 fact did just that, showed up three times at
25 Interpal and just without asking conducted

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1 LEVITT
2 investigations of them, correct?
3 A. There have been three reviews
4 of Interpal.
5 Q. In '96, 2003 and 2009?
6 MR. BONNER: I don't think he
7 was finished with his answer so just
8 maybe slow down a little bit.
9 A. Yes, there were those three
10 reviews.
11 Q. During those reviews the U.K.
12 Charity Commission had access to any
13 information it wanted to get from Interpal,
14 correct?
15 A. I don't know that to be the
16 case. They had access to any information
17 that -- by law I think they are supposed to
18 give them whatever information they ask for.
19 I don't think the charity commission based on
20 my conversations with British law enforcement
21 and policy making officials who have
22 significant concerns with the charity
23 commissions mandate and its reviews which are
24 reviews, not investigations, it's not a law
25 enforcement entity, that it necessarily gets

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1 LEVITT
2 everything that it wants, A and B, that it
3 relies pretty much solely on those documents.
4 For example, you know, in those
5 three reviews they did not do site visits in
6 the West Bank to any of the entities in
7 question to see if they were in fact tied to
8 Hamas. When the BBC did, they acknowledged
9 that the BBC in that sense did a better
10 review than they did.
11 Q. They did a site visit to
12 Interpal, correct?
13 A. In London.
14 Q. The things you said that these
15 people told you, that's nothing that the U.K.
16 Charity Commission has ever said, correct?
17 A. There were too many vague --
18 Q. Fine. You mentioned that
19 individuals, certain individuals told you
20 things that they had concerns?
21 A. Yes.
22 Q. U.K. Charity Commission has
23 never indicated that they have concerns about
24 their investigations, correct?
25 A. Never publicly, but I've met

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<p>1 LEVITT</p> <p>2 Q. Specifically you say to Hamas?</p> <p>3 A. Correct, that's what I say.</p> <p>4 Can I interject one more thing?</p> <p>5 Q. Sure.</p> <p>6 A. The footnote 207 again has more</p> <p>7 than one citation and so the parts about</p> <p>8 specifically to Hamas clearly come from the</p> <p>9 treasury information.</p> <p>10 Q. Okay, the cite about Interpal</p> <p>11 on website says nothing about Hamas, correct?</p> <p>12 A. I would assume not, that would</p> <p>13 put them in a whole lot of heap of trouble,</p> <p>14 but there is material in this paragraph drawn</p> <p>15 from each of these sources.</p> <p>16 MR. LUFT: Okay. Just for</p> <p>17 clarity let me give you a copy of it.</p> <p>18 Let's mark as Exhibit 7 a copy of the</p> <p>19 Interpal.org website that is</p> <p>20 referenced in footnote 207 of your</p> <p>21 report or at least I hope you will</p> <p>22 tell me that's what it is.</p> <p>23 (Levitt Exhibit 7, Report,</p> <p>24 marked for Identification.)</p> <p>25 Q. Do you recognize this document?</p>	<p>1 LEVITT</p> <p>2 commission report, correct?</p> <p>3 A. Um-hum.</p> <p>4 Q. I believe there is a typo</p> <p>5 because in footnote 230 it talks about the</p> <p>6 2006 U.K. Charity Commission report, am I</p> <p>7 correct that you meant to say the 1996 U.K.</p> <p>8 Charity Commission report?</p> <p>9 A. One of them is a typo. I'm not</p> <p>10 sure if the typo is in the footnote or the</p> <p>11 text.</p> <p>12 Q. Are you aware of a 2006 U.K.</p> <p>13 Charity Commission report of Interpal?</p> <p>14 A. I see what you're saying. No.</p> <p>15 Q. In fact, it should say --</p> <p>16 footnote 230 should be the 1996 U.K. Charity</p> <p>17 Commission report, correct?</p> <p>18 A. Yes.</p> <p>19 Q. The quote that you cite says if</p> <p>20 we start at the beginning the allegation that</p> <p>21 funds were going to Hamas, correct, that's</p> <p>22 the beginning of the quote?</p> <p>23 A. It is the beginning of the</p> <p>24 quote.</p> <p>25 Q. From the 1996 Charity</p>
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<p>1 LEVITT</p> <p>2 A. To be completely honest, no.</p> <p>3 Q. Does it look like the document</p> <p>4 you cited in footnote 207 Interpal website</p> <p>5 About Us with the same internet address?</p> <p>6 A. Yes. Well, no. It's not the</p> <p>7 same address. I recall a section that's</p> <p>8 longer than this.</p> <p>9 Q. Okay, sorry, I must have pulled</p> <p>10 the wrong document, I apologize for that. If</p> <p>11 you turn to page 40 of your report?</p> <p>12 A. Sure.</p> <p>13 Q. Do you see under 7A about</p> <p>14 three-quarters of the way down the paragraph</p> <p>15 is as a following excerpt?</p> <p>16 A. Yes.</p> <p>17 Q. It says as the following</p> <p>18 excerpt from the charity commissions report</p> <p>19 indicates, the commission's analysis was not</p> <p>20 predicated upon the question of whether</p> <p>21 Interpal funded Hamas, but instead addressed</p> <p>22 the narrower question whether the funds were</p> <p>23 directed towards charitable activities,</p> <p>24 right, and then has some other language and</p> <p>25 then it proceeds to quote the 1996 charity</p>	<p>1 LEVITT</p> <p>2 Commission report.</p> <p>3 MR. LUFT: I'll ask the court</p> <p>4 reporter to mark as Exhibit 8 what I</p> <p>5 believe you will tell me is a copy of</p> <p>6 the 1996 U.K. Charity Commission</p> <p>7 report with regard to Interpal.</p> <p>8 (Levitt Exhibit 8, Report,</p> <p>9 marked for Identification.)</p> <p>10 Q. Do you recognize this document,</p> <p>11 Dr. Levitt?</p> <p>12 A. This is one of the reports. I</p> <p>13 cannot see in here the -- maybe in the</p> <p>14 blurred language under the title Interpal,</p> <p>15 doesn't say which report this was, but from</p> <p>16 the opening context it looks like it's the</p> <p>17 1996 report because it was prompted by a 1996</p> <p>18 newspaper article.</p> <p>19 Q. If I could ask you to turn to</p> <p>20 page Bates stamped WS 081307 which is the</p> <p>21 third page. Do you see that the bottom</p> <p>22 paragraph is the language which you are in</p> <p>23 fact quoting in your report?</p> <p>24 A. Yes.</p> <p>25 Q. But whereas the language you</p>

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<p style="text-align: right;">Page 77</p> <p>1 LEVITT</p> <p>2 quote in your report starts the allegations</p> <p>3 that funds were going to Hamas, the 1996</p> <p>4 Charity Commission report that you cite</p> <p>5 actually says the allegations that the funds</p> <p>6 were going to supporters of Hamas, correct?</p> <p>7 A. That's correct. That's a typo.</p> <p>8 Q. So your report is inaccurate in</p> <p>9 that way, correct?</p> <p>10 A. There's a typo in the report.</p> <p>11 Q. The word supporters of Hamas</p> <p>12 should come before Hamas?</p> <p>13 A. Correct.</p> <p>14 Q. Supporters of Hamas are not</p> <p>15 necessarily the same thing as Hamas itself,</p> <p>16 correct?</p> <p>17 A. I'm sorry, I was reading the</p> <p>18 paragraph. Say it again.</p> <p>19 Q. Someone who's a supporter of</p> <p>20 Hamas is not the same thing as someone who is</p> <p>21 Hamas?</p> <p>22 A. May or may not be. Someone</p> <p>23 who's a supporter of Hamas has an affiliation</p> <p>24 with Hamas under U.S. law. For example, a</p> <p>25 person could be subject to a Hamas related</p>	<p style="text-align: right;">Page 79</p> <p>1 LEVITT</p> <p>2 reviewed that in a long time so I cannot</p> <p>3 assume one way or the other.</p> <p>4 Q. If you have a copy of what you</p> <p>5 looked at, could you provide that to us</p> <p>6 because we just went off of the website that</p> <p>7 you provide in your report?</p> <p>8 A. It was redirected to another</p> <p>9 website which may or may not be the same</p> <p>10 content?</p> <p>11 Q. Correct, which is why I'm</p> <p>12 asking you if you a copy of what you actually</p> <p>13 looked at if you could provide that to me.</p> <p>14 Dr. Levitt, who is David Aufhauser?</p> <p>15 A. David Aufhauser is former</p> <p>16 general counsel at the Treasury. He's a</p> <p>17 lawyer. I forget which bank he works for</p> <p>18 now. He was with UBS for some time. I think</p> <p>19 he might have moved, but in any event he was</p> <p>20 the general counsel of the Treasury</p> <p>21 Department at the time and shortly after 9/11</p> <p>22 and in that capacity led the inner agency</p> <p>23 policy coordinating committee on terror</p> <p>24 finance when that entity was first started</p> <p>25 up.</p>
<p style="text-align: right;">Page 78</p> <p>1 LEVITT</p> <p>2 designation, but it should have included the</p> <p>3 words supporters of.</p> <p>4 Q. When we talk about baseball,</p> <p>5 I'm a supporter of the Mets, but it doesn't</p> <p>6 mean I am the Mets, correct?</p> <p>7 A. Well, as somebody who doesn't</p> <p>8 think much of the Mets, it's better off you</p> <p>9 are not, but correct.</p> <p>10 Q. I'm sorry, you don't share my</p> <p>11 love of a lovable loser.</p> <p>12 A. I do, it's just mine is the Red</p> <p>13 Sox.</p> <p>14 Q. I apologize for '96. Dr.</p> <p>15 Levitt, with regard to what I marked as</p> <p>16 Exhibit 7 which was the website?</p> <p>17 A. Yes.</p> <p>18 Q. I'm told that when you put in</p> <p>19 the website you cite to, it redirects you</p> <p>20 directly to this page and I'll represent that</p> <p>21 to you. Do you have a reason to believe you</p> <p>22 saw a different page than what I've handed</p> <p>23 you as Exhibit 7?</p> <p>24 A. My recollection is that it was</p> <p>25 longer than this, but again, I haven't</p>	<p style="text-align: right;">Page 80</p> <p>1 LEVITT</p> <p>2 Q. You cite statements by Mr.</p> <p>3 Aufhauser?</p> <p>4 A. Correct. I believe all</p> <p>5 statements made while he was in his</p> <p>6 government capacity.</p> <p>7 Q. Are you familiar with Mr.</p> <p>8 Aufhauser's testimony to the U.S. Senate</p> <p>9 Committee on Banking, Housing and Urban</p> <p>10 Affairs?</p> <p>11 A. You would have to show me a</p> <p>12 specific one. I think he's given several</p> <p>13 testimonies some of which I might have cited</p> <p>14 to, but I don't recall.</p> <p>15 MR. LUFT: Let's have marked as</p> <p>16 Exhibit 9 a document bearing title</p> <p>17 Hearings Before The Committee On</p> <p>18 Banking, Housing and Urban Affairs,</p> <p>19 United States Senate, 108th Congress.</p> <p>20 (Levitt Exhibit 9, Document,</p> <p>21 marked for Identification.)</p> <p>22 Q. I'll direct you to where I want</p> <p>23 to refer you to, but feel free to --</p> <p>24 A. Okay.</p> <p>25 Q. Dr. Levitt, does this document</p>

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<p>1 LEVITT</p> <p>2 Q. When did you first read the</p> <p>3 book?</p> <p>4 A. Shortly after it came out.</p> <p>5 Q. Is there a reason that the</p> <p>6 facts of Credit Lyonnais were such that you</p> <p>7 chose not to write about this book in your</p> <p>8 report on Credit Lyonnais, but you have</p> <p>9 chosen to write about it for Nat West?</p> <p>10 A. No, I think that to be</p> <p>11 perfectly honest I got tired of working on</p> <p>12 that report. It's a 90 something page</p> <p>13 report. You've asked me many times if</p> <p>14 everything I relied on for that report is in</p> <p>15 the report and it is and that's all I'm</p> <p>16 testifying to. Is there other material that</p> <p>17 I could have included, we could have made</p> <p>18 this a 200 page report, but I've actually got</p> <p>19 a day job and so at a certain point I decided</p> <p>20 enough was enough.</p> <p>21 Later I had the opportunity to</p> <p>22 look back at his book again when he was in</p> <p>23 Washington and there was a possibility of</p> <p>24 including him on a panel at an event which</p> <p>25 didn't pan out, I don't remember why, so that</p>	<p>1 LEVITT</p> <p>2 is that because of what Mr. Berman says?</p> <p>3 A. Right, I'm leading into his</p> <p>4 findings.</p> <p>5 Q. Great, okay.</p> <p>6 A. Again, this fits the larger</p> <p>7 picture of my own research. I'm sure you</p> <p>8 will ask questions and we will get into it.</p> <p>9 Q. Mr. Berman is an economist?</p> <p>10 A. I believe he is.</p> <p>11 Q. His analysis is an economic</p> <p>12 analysis of this issue, correct?</p> <p>13 A. Yes.</p> <p>14 Q. Are you an economist?</p> <p>15 A. No.</p> <p>16 Q. You haven't done your own</p> <p>17 independent economic analysis of this issue?</p> <p>18 A. No.</p> <p>19 Q. Did you do any economic or</p> <p>20 quantitative tests to test and verify Mr.</p> <p>21 Berman's work?</p> <p>22 A. No and it really wouldn't have</p> <p>23 been possible. I don't have his data set.</p> <p>24 Again, it's not necessary to re-test every</p> <p>25 finding especially when a finding is</p>
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<p>1 LEVITT</p> <p>2 might have raised it again, but I think he</p> <p>3 makes some interesting and good points. It's</p> <p>4 a peer reviewed university press book and</p> <p>5 once already taken the opportunity to update</p> <p>6 the report it didn't take much time to add a</p> <p>7 paragraph.</p> <p>8 Q. Let me ask you a couple of</p> <p>9 questions about the paragraph you did write.</p> <p>10 A. Please.</p> <p>11 Q. First sentence not only does</p> <p>12 Hamas's da'wa network allow it to capture</p> <p>13 broad popular support in the Palestinian</p> <p>14 territories, but research also indicates that</p> <p>15 it has the effect of making Hamas attacks</p> <p>16 more deadly. When you say research, is the</p> <p>17 research you are referring to Mr. Berman's</p> <p>18 research?</p> <p>19 A. Yes, this is the transition to</p> <p>20 his stuff. There are other things we could</p> <p>21 talk about too, but I'm speaking of him.</p> <p>22 Q. That's what I wanted to know.</p> <p>23 It says there appears to be a robust</p> <p>24 relationship between Hamas's decision and it</p> <p>25 goes on. When you say there appears to be,</p>	<p>1 LEVITT</p> <p>2 published in like a peer reviewed journal or</p> <p>3 a university press peer reviewed book. It</p> <p>4 doesn't mean you will be in complete</p> <p>5 agreement, most social scientists aren't in</p> <p>6 complete agreement with each other on</p> <p>7 anything, right, but this is a serious study</p> <p>8 and it's worthy of considering his points.</p> <p>9 Q. You write that referring to Mr.</p> <p>10 Berman's work not only does Hamas's da'wa</p> <p>11 network allow it to capture broad popular</p> <p>12 support in the Palestinian territories, but</p> <p>13 research also indicates that it has the</p> <p>14 effect of making Hamas attacks more deadly.</p> <p>15 Could you just explain what you mean by</p> <p>16 making Hamas attacks more deadly?</p> <p>17 A. It really is that it makes</p> <p>18 Hamas as an organization more deadly and by</p> <p>19 virtue of that its attacks. What Hamas does</p> <p>20 is it creates a society, it creates a</p> <p>21 community, it creates indebtedness, it</p> <p>22 creates a sense of belonging and commitment.</p> <p>23 What this does overall is it provides a</p> <p>24 foundation for longevity for the</p> <p>25 organization, sticking power. It also not</p>

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2 literally, but you will understand what I
3 mean kind of buys or garners much broader
4 types of support so, for example, an
5 individual who gets a weekly or monthly
6 stipend from Hamas and is not necessarily a
7 card carrying member themselves could be
8 asked to say shelter someone in their home
9 overnight without asking who they are and end
10 up sheltering a fugitive and that type of
11 support makes Hamas can do what it needs to
12 do so it provides for safe houses, it
13 provides for places where, for example, maybe
14 you will get your weapons at a discount or it
15 builds all kinds of resilience into the
16 organization which contributes not only to
17 the organization's kind of resilience and
18 longevity over time which means over time
19 their ability to kill more people, but even
20 in the immediate their ability to draw on all
21 these things to carry out attacks and that
22 does make them more dangerous, more deadly.
23 Q. But I apologize, I didn't want
24 to interrupt you, but I wanted to understand
25 what you meant by more attacks more deadly,

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1 LEVITT
2 do you mean dangerous? I don't know if that
3 means that more people get killed by a bomb
4 because they run a hospital. That's what I
5 was trying to understand. By attacks more
6 deadly what does that mean?
7 A. It enhances their ability to
8 carry out attacks. More attacks means more
9 deadly. Theoretically it can mean that
10 attacks kill and wound more people, but not
11 necessarily and I wouldn't kind of measure a
12 group's lethality only and this is largely
13 what he's doing, but not only, by well, are
14 5.2 people killed average in an attack or
15 5.3.
16 Hamas is deadly and dangerous
17 over time and will have killed and has killed
18 more people over time than I believe any
19 other Palestinian organization.
20 Q. Did you do anything to check
21 whether the data Mr. Berman used was accurate
22 or reliable?
23 A. No, again, I did not have
24 access to his data set. Once a study like
25 this is published in a reputable -- through a

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1 LEVITT
2 reputable place again a peer reviewed study
3 published in a university press, you are able
4 to give it more credence than something that
5 pops up on a blog, for example, right, plus
6 his findings fit into the context of what we
7 know about Hamas for a very long time in
8 terms of its ability to invest in society and
9 build grass root support and the way that
10 grass root support then translates into
11 success as a terrorist organization.
12 Q. Dr. Levitt, I'll tell you that
13 in his book he makes reference to that
14 between 2002 and 2007 the Al Aqsa Martyrs
15 Brigade was only responsible for six attacks
16 and only three deaths. Given your
17 background, does that sound like a number
18 that's accurate to you that all those years
19 throughout the Second Intifada the Al Aqsa
20 Martyrs Brigade was only responsible for
21 three deaths?
22 A. In a nutshell, no. Measuring
23 Al Aqsa is hard because many attacks were
24 carried out by Al Aqsa and someone else,
25 sometimes Hamas. Often in the press and in

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1 LEVITT
2 reports some of these attacks were described
3 as being carried out by Fatah. Al Aqsa was
4 the militant wing of Fatah. There were some
5 others, the tanzime, etc. so sometimes
6 attributing an attack to Al Aqsa is difficult
7 so it depends in part on how he went about
8 doing that.
9 Q. When you saw in his report that
10 that was the type of data he was relying
11 upon, did it prompt you to investigate what
12 the reliability of that data was since it
13 didn't comport with your own understanding of
14 Al Aqsa's activities?
15 A. Not really because the report
16 is not just on Al Aqsa or even just on
17 Palestinian terrorism. That's only one part
18 of the study and again one piece may be less
19 strong than others, but overall I thought the
20 study makes a valid point that cutting across
21 different types of groups is very
22 interesting. If you look, for example, at
23 the fact that there are basically aren't Al
24 Aqsa attacks today. I think one of the
25 reasons as he explains is the fact that it